

FILED  
CLERK, U.S. DISTRICT COURT  
23 MAY 03 PM 4:16  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

Larry R. White (#3446)  
BURBIDGE & WHITE  
Attorneys for Defendant, IHC Health Plans, Inc.  
1400 Key Bank Tower  
50 South Main Street  
Salt Lake City, Utah 84144  
Telephone: (801) 359-7000  
Fax: (801) 236-5319

---

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION

---

OSCAR JOHNSON, PA-C

Plaintiff,

vs.

IHC HEALTH PLANS, INC.

Defendant.

**NOTICE OF REMOVAL**

Judge Paul G. Cassell  
DECK TYPE: Civil  
DATE STAMP: 05/23/2003 @ 16:18:19  
CASE NUMBER: 2:03CV00489 PGC

---

The defendant, IHC Health Plans, Inc., a Utah corporation, by and through its counsel of record, pursuant to 28 U.S.C. § 1446, hereby gives notice of removal of this action to the United States District Court for the District of Utah.

Plaintiff's claim against IHC Health Plans, Inc. arise from the denial of health insurance reimbursement of health insurance benefits to Oscar Johnson as a third-party beneficiary of various employee welfare benefit plans. The action was originally filed in the Third Judicial

1

District Court in and for the County of Salt Lake, State of Utah. Because the denial of benefits relates to a Utah employee welfare benefit plans incorporated in the State of Utah, the action is governed by the Employee Retirement Income Security Act (ERISA) 29 U.S.C. § 1001 et seq. and is subject to the jurisdiction of this Court pursuant to 29 U.S.C. § 1132(a).

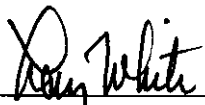
With removal of this action, the defendant, IHC Health Plans, Inc. also requests that this Court decide all matters between the parties to this action.

In accordance with 28 U.S.C. § 1446(a), copies of the following are attached:

Complaint and Summons served on the defendant on May 19, 2003, attached hereto as Exhibit A.

DATED this 23<sup>rd</sup> day of May, 2003.

**BURBIDGE & WHITE**

  
\_\_\_\_\_  
Larry R. White  
Attorneys for IHC Health Plans, Inc.

**MAILING CERTIFICATE**

I hereby certify that on the 23<sup>rd</sup> day of May, 2003, I caused to be served by the method indicated below a true and correct copy of the attached and foregoing **NOTICE OF REMOVAL** to be served by the method indicated below to the following:

☐ VIA FACSIMILE  
☐ VIA HAND DELIVERY  
☒ VIA U.S. MAIL  
☐ VIA FEDERAL EXPRESS

Alan B. Brown  
2240 Parleys Terrace  
Salt Lake City, Utah 84109

Dianne Huet

W:\IHC\Health Plans\7692\notice or removal USDC.wpd

Exhibits/  
Attachments  
to this document  
have **not** been  
scanned.

Please see the  
case file.